

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

CHRISTOPHER L. ROBINSON, )  
Plaintiff, )  
v. )  
STEPHANIE UNKNOWN, et al., )  
Defendants. )

No. 1:21-cv-00155-SNLJ

## **MEMORANDUM AND ORDER**

This matter comes before the Court on its own motion. On January 25, 2022, the Court ordered plaintiff to file an amended complaint. (Docket No. 6). He was given thirty days in which to comply. More than thirty days have elapsed, and plaintiff has not submitted anything to the Court. Therefore, for the reasons discussed below, the Court will dismiss this action without prejudice. *See* Fed. R. Civ. P. 41(b).

## Background

Plaintiff is a self-represented litigant who is currently incarcerated at the Northeast Correctional Center in Bowling Green, Missouri. On October 25, 2021, he filed a civil action pursuant to 42 U.S.C. § 1983, naming Nurse Stephanie Unknown, COII Mike McMeans, Jail Administrator Mike Jones, Dr. John Montgomery, and the Butler County Justice Center as defendants. (Docket No. 1). The complaint alleged deliberate indifference to plaintiff's medical needs while he was an inmate at the Butler County Justice Center.

Along with the complaint, plaintiff filed a motion for leave to proceed in forma pauperis. (Docket No. 2). On January 25, 2022, the Court granted the motion and assessed an initial partial filing fee. (Docket No. 6). Because he was proceeding in forma pauperis, the Court reviewed his

complaint under 28 U.S.C. § 1915. Based on that review, the Court determined that plaintiff's complaint was deficient and subject to dismissal. Rather than dismissing, however, the Court directed plaintiff to file an amended complaint, and provided instructions on how to do so. He was given thirty days in which to comply, and advised that his failure to comply would result in the dismissal of this action without prejudice and without further notice.

### **Discussion**

On January 25, 2022, the Court ordered plaintiff to file an amended complaint. His response was due by February 24, 2022. The deadline for the submission of plaintiff's amended complaint has expired. Indeed, he has been given more than thirty days in which to comply. Despite the additional time, he has not submitted an amended complaint, nor requested an extension.

As noted above, plaintiff was ordered to file an amended complaint within thirty days, and warned that his case would be dismissed without prejudice and without further notice if he did not comply. "In general, pro se representation does not excuse a party from complying with a court's orders and with the Federal Rules of Civil Procedure." *Ackra Direct Marketing Corp. v. Fingerhut Corp.*, 86 F.3d 852, 856 (8<sup>th</sup> Cir. 1996). To that end, Rule 41(b) of the Federal Rules of Civil Procedure "provides that a court may dismiss a case for failure to comply with court orders." *In re Reid*, 197 F.3d 318, 320 (8<sup>th</sup> Cir. 1999). See also Fed. R. Civ. P. 41(b); and *Brown v. Frey*, 806 F.2d 801, 803 (8<sup>th</sup> Cir. 1986) (stating that district court may dismiss a pro se litigant's action for failure to comply with a court order on its own initiative). Because plaintiff has not complied with the Court's order of January 25, 2022, and has not sought an extension of time in which to comply, the Court will dismiss this action without prejudice. See *Dudley v. Miles*, 597 Fed. Appx. 392 (8<sup>th</sup> Cir. 2015) (affirming district court's Fed. R. Civ. P. 41(b) dismissal for failure to comply with

court order, where plaintiff failed to follow order to file an amended complaint, “[d]espite warnings that dismissal could result from his failure to do so”).

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice for failure to comply with the Court’s order of January 25, 2022. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

**IT IS FURTHER ORDERED** that an appeal from this dismissal would not be taken in good faith.

Dated this 14<sup>th</sup> day of March, 2022.

  
STEPHEN N. LIMBAUGH, JR.  
SENIOR UNITED STATES DISTRICT JUDGE